

GLOSSARY of Terms

Action level

The numerical value that causes the stakeholder to choose one of the alternative actions (e.g., compliance or noncompliance). It may be a regulatory threshold standard, such as Maximum Contaminant Level for drinking water, a risk-based concentration level, a technological limitation, or a reference-based standard. (Note: The action level is specified during the planning phase of a data collection activity; it is not calculated from the sampling data.)

Acute hazards

Environmental hazards that pose an imminent threat to human health or the environment.

Barrier

An institutional, technological or economic factor that prohibits the redevelopment of contaminated or potentially contaminated property. Barriers may be local, economic, social or environmental.

Brownfield

Industrial or commercial property that is abandoned, inactive or underutilized, on which expansion or redevelopment is complicated due to actual or perceived environmental contamination.

Brownfields initiative

An organized commitment to help communities revitalize brownfield properties, both environmentally and economically; mitigate potential health risks; and restore economic vitality to areas where brownfields exist.

Certificate of Completion

A document issued by the commissioner indicating that a work plan has been completed through Indiana Department of Environmental Management's Voluntary Remediation Program. The issuance of a Certificate of Completion under this program is an appealable agency action. The certificate is attached to the recorded deed that concerns the property on which the remediation took place.

Chemical

Any contaminant that is not a petroleum product as defined on page 23.

Chemicals of concern

All types of potentially harmful chemicals that may be present at a site.

Cleanup

Actions taken to deal with a release or threat of release of a hazardous substance that could affect humans and/or the environment; sometimes used interchangeably with the terms remediation, remedial action, removal action, response action or corrective action.

Closure

The regulatory agency's concurrence that a responsible party has completed all obligations associated with contamination at a site.

Comfort Letter

A letter issued to specific parties that are relieved of liability under Indiana law or existing IDEM policy. This type of letter provides a legal opinion regarding IDEM's possible pursuit of legal actions against a seller, owner or potential purchaser of a brownfield site. This letter clarifies why the party is not liable.

Contaminant

Any physical, chemical, biological or radiological substance or matter that has an adverse effect on air, water or soil.

Contamination

Any physical, chemical, biological or radioactive substance or matter present in air, water or soil at concentrations that may result in adverse effects on people or the environment, or introduction into water, air and/or soil of microorganisms, chemicals, toxic substances, wastes or wastewater in a concentration that makes the medium unfit for its next intended use. The term also applies to surfaces of objects, buildings and various household and agricultural use products.

Corrective Action Plan

In regards to a leaking underground storage tank, a written strategy developed after a complete site investigation that achieves at a minimum the following performance objectives:

- Reduces contaminant vapors in buildings or other spaces below explosive and health threatening levels,
- Mitigates further contaminant releases and off-site migration, and
- Cleans up contaminated soil and ground water.

Covenant Not to Sue

A document issued from the governor's office after a cleanup through IDEM's Voluntary Remediation Program has been successfully completed. The covenant protects the recipient of the Certificate of Completion and any other person who receives the certificate through a transfer or by acquiring property to which the certificate applies. These persons are protected from all public or private claims arising under the environmental management laws for the release or threatened release of a hazardous substance or petroleum that was the subject of the remediation work plan.





Environmental assessment

The process by which it is determined whether contamination is present on a site through a records review, a historical review, sampling activities, etc.

Environmental liability

For the purposes of brownfields redevelopment, use the following:

Under the Comprehensive Environmental Response, Compensation and Liability Act, joint and several liability is a concept based on the theory that it may not be possible to apportion responsibility for the harm caused by hazardous waste equitably among potentially responsible parties from that defendant. Joint liability means that more than one defendant is liable to the plaintiff. Several liability means that the plaintiff may choose to sue only one of the defendants and recover the entire amount. One party therefore can be held liable for the entire cost of cleanup, regardless of the share of waste that party contributed. Joint and several liability is used only when harm is indivisible. If defendants can apportion harm, there is no several liability.

Or

Strict liability is a concept under CERCLA that empowers the federal government to hold potentially responsible parties liable without proving that the parties were at fault and without regard to a party's motive. Parties can be found liable even if the problems caused by the release of a hazardous substance were unforeseeable, the parties acted in good faith, and state-of-the-art hazardous waste management practices were used at the time the materials were disposed.

Environmental justice

The fair treatment of people of all races, cultures and incomes, regarding the development of environmental laws, regulations and policies. Over the last decade, attention to the impact of environmental pollution on particular segments of our society has been steadily growing. Environmental justice stems from the concern that minority populations and/or low-income populations bear a disproportionate amount of adverse health and environmental effects.

Greyfields

Abandoned or underutilized commercial or retail properties with no associated environmental contamination.

Ground water

Water that exists at saturation in the void space in soil or rock.

Hazardous substance

Any material that poses a threat to human health or the environment. Typical hazardous substances are toxic, corrosive, ignitable, explosive or chemically reactive, or any substance designated by U.S. Environmental Protection Agency to be reported if a designated quantity of the substance is spilled in the waters of the United States or is otherwise released into the environment.

Hazardous waste

Byproduct of society that can pose a substantial or potential hazard to human health or the environment when improperly managed. It possesses at least one of four characteristics (ignitability, corrosivity, reactivity or toxicity) or appears on special U.S. Environmental Protection Agency lists.

Initiative

(See Brownfields initiative.)

Maximum Contaminant Level

The maximum concentration of a contaminant allowed in drinking water systems by the National Primary Drinking Water regulations. Ref: 40 CFR 141.11 (inorganic chemicals) and 141.12 (organic chemicals).

Oversight

To oversee or supervise the assessment or remediation of a site to ensure the proper or appropriate objectives are met or adhered to.

Permanent cleanup

A remedial action that removes contamination from the affected media or permanently reduces concentrations of chemicals of concern to health-protective levels.

Permanent remedy

A remedial action taken to eliminate the chemical of concern from a project site, thereby eliminating risk.

Petroleum

Fuel, oil or gasoline.

Petroleum product

Virgin petroleum lubricating oil or virgin petroleum fuel oil.

Phase I

Appropriate inquiry in to the previous ownership and past uses of property to identify recognized environmental conditions.

Phase II

Process to determine the nature and extent of existing contamination at a property.



Prospective Purchaser's Agreement

A federal agreement releasing the prospective purchaser from liability for contamination, much like a consent decree or agreed order. The agreement requires payment of consideration (in the form of money, remediation, etc.); and a public comment period; and is limited to the qualifying property at which a U.S. Environmental Protection Agency action has been taken, is ongoing or is anticipated to be undertaken.

Remediation

All necessary actions needed to investigate and clean up any known or suspected discharge or threatened discharge of contaminants, including the following without limitation: preliminary assessments, site investigations, remedial investigations, remedial alternative analyses and remedial actions.

Responsible party

The person or corporate entity taking either voluntary or statutory responsibility for release of contamination.

Risk

The probability that a harmful event will occur.

Risk assessment

An evaluation of the potential for harm to human health or the environment posed by anthropologic environmental hazards.

Site assessment

(See Environmental assesment.)

Site Status Letter

A letter issued to parties that typically are still liable for contamination. This type of letter details staff's technical opinion of site conditions as they relate to prospects of property transfer. This letter states that based on technical analysis of information submitted to IDEM's Brownfields Program, IDEM will not require further action at this time.

Stakeholder

Any organization, governmental entity, or individual that has a stake in or may be affected by a given approach to environmental regulation, pollution prevention, energy conservation, etc.

Subsurface soil

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The soil in the interval from 6 inches below the surface to the depth of the water table.

Surface soil

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The top 6 inches of soil.

Tank

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A stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., concrete, steel or plastic) that provides structural support.

Underground storage tank system or tank system

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Underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

Urban Sprawl

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Scattered development or outward growth.

